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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 In re: JEROME TALLEY,

9 Respondent.

CASE NO. MC15-0164MJP

ORDER

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11 Respondent is the subject of a Bar Order which directs (among other things):

12 Respondent Jerome Talley is prohibited from filing any civil action in the  
13 Western District of Washington unless the complaint or petition is  
14 accompanied by a signed affidavit stating under penalty of perjury that the  
15 complaint contains new allegations not previously litigated. Mr. Talley may  
16 not proceed *in forma pauperis* in any § 1983 or *Bivens* action without a  
showing that he is in imminent danger of serious bodily injury or death. Any  
complaint or petition filed by Mr. Talley that is not accompanied by a signed  
affidavit and/or an imminent danger showing will not be filed.

17 Dkt. #3 at 2. The Order further directs that:

18 Any habeas petition that is accompanied by the full filing fee or a completed  
19 application to proceed *in forma pauperis* will be docketed in this case, No.  
20 3:15-mc-164 MJP, and reviewed by the Chief Judge, under the requirements  
of 28 U.S.C. § 1915(g), who will determine whether the case may proceed.

21 *Id.*

22 On June 8, 2017, Respondent caused to be filed in this District a proposed “Petition Under  
23 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody.” Dkt. #14. It appears  
24 that Mr. Talley is seeking to be transferred from the custody of the Department of Corrections in

1 the State of Washington to the State of Nevada in order to address a case or cases that he has  
2 pending in that jurisdiction. Dkt. #14. The proposed Petition is accompanied by a proposed  
3 application to proceed *in forma pauperis* (“IFP”). See Dkt. #14-1.

4 As required by the Bar Order, Respondent’s filing was sent to the Undersigned for review.  
5 See Dkt. #3 at 2. The filing is not accompanied by a Declaration under perjury that the Petition  
6 contains new allegations never before litigated; however, the Court is satisfied from a review of  
7 the filing that the Petition contains previously-unlitigated allegations. However, the Court notes  
8 that Respondent fails to show that he is in imminent danger of serious bodily injury or death.  
9 Section 1915(g) specifically states:

10 **In no event** shall a prisoner bring a civil action or appeal a judgment in a  
11 civil action or proceeding under this section if the prisoner has, on 3 or more  
12 prior occasions, while incarcerated or detained in any facility, brought an  
13 action or appeal in a court of the United States that was dismissed on the  
grounds that it is frivolous, malicious, or fails to state a claim upon which  
relief may be granted, **unless the prisoner is under imminent danger of  
serious physical injury.**

14 28 U.S.C. § 1915(g) (emphasis added). Because Respondent has failed to make such a showing,  
15 and because he is subject to more than three strikes in this District, this proposed Petition is barred  
16 and SHALL NOT BE FILED with the Court.

17 The Clerk SHALL provide a copy of this order to Respondent.

18 DATED this 14 day of June, 2017.

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22 RICARDO S. MARTINEZ  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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